

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JANET SISLER

Plaintiff

v.

Civil Action No.: 2:05-0213

THE EQUITABLE VARIABLE
LIFE INSURANCE COMPANY,
EQUITABLE LIFE ASSURANCE
SOCIETY OF THE UNITED STATES;
AXA ADVISORS, LLC;
JAMES PACK; and JOSEPH SPANO

Defendants

MEMORANDUM ORDER AND OPINION

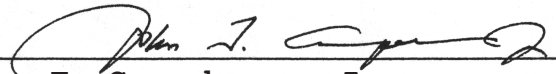
Pending before the court is plaintiff's motion to remand, filed April 12, 2005, seeking to remand this case to the Circuit Court of Kanawha County.

By order entered this same day in the companion case of Norma Jean Fellure v. The Equitable Variable Life Insurance Company, et al.; Civil Action No.: 2:05-0214, the court granted a similar motion. Inasmuch as the claims of the plaintiff in this action are similar to the claims of Fellure, and the legal arguments set forth in the parties' briefing are identical, the court adopts the rationale set forth in the order on the companion motion filed in Fellure. It is, accordingly, ORDERED

that plaintiff's motion to remand be, and it hereby is, granted.

The Clerk is directed to forward copies of this order to counsel of record and to the Clerk of the Circuit Court of Kanawha County, West Virginia.

DATED: November 21, 2005



John T. Copenhaver, Jr.
United States District Judge